

Application No. 10/027,336
Amendment dated December 11, 2003
Reply to Office Action of September 26, 2003

REMARKS

In the Office Action of September 26, 2003, the Examiner indicated that claims 3, 9-11, 15 and 20-22 were objected to as being dependent upon a rejected base claim, but were deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicant acknowledges and appreciates such finding by the Examiner.

By the present amendment, claims 9 and 20 have been rewritten into independent form such that claims 9-11 and 20-22 are now believed to be in condition for allowance. The remaining allowed dependent claims 3 and 15 have not been amended in the present response since the independent claims upon which they depend are believed to be allowable for the reasons set forth below. If the independent claims are not found to be allowable by the Examiner, the applicant will rewrite claim 3 and 15 into independent form to gain allowance.

Claims 1, 4-6, 8, 12 and 16-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Johnson et al U.S. Patent No. 4,032,283. Claims 1-2, 7-8, 12-14 and 17-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Edwards et al U.S. Patent No. 6,155,809. Consideration in light of the following remarks is earnestly solicited.

The Johnson '283 patent cited by the Examiner teaches an exterior corner tool comprising two walls that come together at an approximately 90° inside corner, wherein each wall defines a cavity, a top surface, a bottom surface, two side surfaces, a back wall surface and an interposed flow chamber. The drywall head includes a recessed area that the Examiner refers to as a flow channel formed in each of the walls and in communication with the flow chamber. Significantly, the flow channels of the Johnson '283 reference extend from a top plate (12, 13) to an angled bottom wall. The bottom walls intersect a pair of filler plates 17, 18 that extend from the angled bottom wall to the bottom surface of the drywall head. Thus, the flow channels do not extend from the top surface to the bottom surface of the drywall head. Instead, the flow channels terminate

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approximately halfway between the top surface and the bottom surface of the drywall head.

The Edwards '809 patent teaches an apparatus for applying a viscous mass to a surface corner and includes two inner guide surfaces set at generally 90° angles to each other, a top surface, a bottom surface, two side surfaces, a back wall surface and an interposed flow chamber situated within the drywall head. The Edwards '809 reference is similar to the Johnson '283 reference in that the flow channels, or recesses 44, extend from the top surface of the drywall head and are defined by an angled bottom wall. The angled bottom walls are spaced well into the body of the drywall head from the bottom surface of the drywall head by a bearing surface 150. Thus, the flow channels do not extend from the top surface of the drywall head to the bottom surface of the drywall head. Instead, each of the flow channels terminate approximately halfway between the top surface of the drywall head and the bottom surface of the drywall head.

By the present amendment, independent claims 1, 8 and 12 have been amended to more clearly indicate that the flow channels formed in the drywall head extend continuously from the bottom surface of the drywall head to the top surface of the drywall head. Thus, each of the flow channels extends along the entire length of the drywall head from the top surface to the bottom surface. As required by each of the independent claims 1, 8 and 12, the leading edge of each flow channel intersects the bottom wall of the drywall head and the trailing edge of the flow channel intersects the top wall of the drywall head. Further, the width of the flow channel at the leading edge is greater than the width of the flow channel at the trailing edge.

As described in the present application at pages 8-9, the extension of each of the flow channels along the entire length of the drywall head from the top surface to the bottom surface allows the drywall head to pass back over the strip of mastic material after the strip has been initially applied. Specifically, the leading edge of the flow channel is wider than the trailing edge such that the strip of mastic material can enter into the flow channel through the leading edge and can be smoothed out as it passes through the flow channel from the leading edge to the trailing edge.

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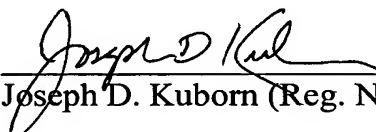
In both the Johnson '283 and Edwards '809 patents, the flow channel terminates well before the bottom surface of the drywall head. Thus, the drywall head taught by the Johnson '283 and Edwards '809 patents cannot be used to pass over a strip of mastic material once the strip of mastic material has been applied to a section of drywall. Specifically, since the flow channels in both the Johnson '283 and Edwards '809 references do not extend completely to the bottom wall, if the drywall head taught by these two patents were used to make another pass over an applied strip of mastic material, the bottom surface of the drywall head would simply remove the strip of mastic from the drywall. Thus, both the Johnson '283 and Edwards '809 references do not teach or suggest, nor render obvious, the subject matter required by amended independent claims 1, 8 and 12.

Dependent claims 2-7 depend directly or indirectly from claim 1 and are believed to be allowable based upon the above arguments for allowance. Dependent claims 13-18 depend directly or indirectly from independent claim 12 and are believed to be allowable based upon the above arguments for allowance.

Based upon the above arguments for allowance, as well as to the amendments to the claims, claims 1-18 and 20-22 are believed to be in condition for allowance.

The Examiner is invited to contact the applicant's undersigned attorney with any questions or comments, or to otherwise facilitate prosecution of the present application.

Respectfully submitted,



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